

REMARKS

Applicant respectfully requests reconsideration in view of the above amendment and the following remarks.

From "Wikapedia: Near-field optics" at

"http://en.wikipedia.org/wiki/Near-field_optics" :

Near-field optics is that branch of optics that considers configurations that depend on the passage of light to, from, through, or near an element with subwavelength features and the coupling of that light to a second element located a subwavelength distance from the first. The barrier of spatial resolution imposed by the very nature of light itself in conventional optical microscopy contributed significantly to the development of near-field optical devices, most notably the near-field scanning optical microscope, or NSOM. The limit of optical resolution in a conventional microscope, the so-called diffraction limit, is on the order of half the wavelength of the light used to image. Thus, when imaging at visible wavelengths the smallest resolvable objects are several hundred nanometers in size. Using near-field optical techniques, researchers currently resolve features on the order of tens of nanometers in size. While other imaging techniques (e.g. atomic force microscopy and electron microscopy) can resolve features of much smaller size, the many advantages of optical microscopy make near-field optics a field of considerable interest.

In response to the rejection of claim 1-4 and 6-9 under 35 USC 103(a), as being unpatentable over the combination of US pub. app. 2004/0013077 to Saito and US pub. app. 2002/0003755 to

Fujia; and the rejection of claim 5 under 35 USC 103(a), as being unpatentable over the combination of Saito and Fujia and also, US5272482, the applicant traverses these rejections.

More specifically none of the citations alone or in combination disclose " a lens to be positioned by a lens actuator at a near field distance from a surface of the record carrier" (underline added for emphases) as in claim 1 or "detecting when the lens is within the near field distance" (underline added for emphases) as in claim 8.

Applicant believes that this application is in condition for allowance and respectfully requests that all claims be allowed.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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